



COMMONS REGISTRATION ACT 1965

Reference No 15/0/95

In the Matter of Roundmoor, Bishop's
Frome, Malvern Hills District,
Hereford and Worcester

DECISION

This reference relates to the question of the ownership of land known as Roundmoor, Bishop's Frome, Malvern Hills District being the land comprised in the Land Section of Register Unit No CL. 216 in the Register of Common Land maintained by the Hereford and Worcester County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr R and Miss G M Charles claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Hereford on 19 July 1977. At the hearing (1) Mr R and Miss G M Charles were represented by Mr R H L Peter solicitor with Allen, Jackson & Flint Solicitors of Bromyard, and (2) Bishop's Frome Parish Council were represented by Mr J G Fowler one of their members.

Mr Charles in the course of his evidence produced: (1) an assent dated 11 November 1937 by which Mr T G Mercer and he (Mr Charles) as personal representatives of Mr G W Mercer (his uncle) assented to the vesting in himself (Mr Charles) and Miss G M Charles (his sister) of the land comprised in the next mentioned conveyance; (2) a conveyance dated 29 September 1904 by which Messrs J B and J F Parker conveyed to Mr G W Mercer five pieces of land containing 23a Or 5p as delineated on the plan drawn thereon including "491 (Tithe map No), Round Moors (Name), Pasture (State), 5.1.31. (Quantity)"; (3) an examined abstract dated 1940 of the title to Round Moors including an abstract of the will and codicil of Mr G W Mercer (he died 20 April 1937) and of the probate dated 20 April 1937; (4) particulars of an auction sale in August 1862 of the Freehold Estate known as Frome Bishop Court (lot 10 comprised the said 23 acres); and (5) an indenture dated 1863.

The land ("the Unit Land") comprised in this Register Unit according to the Register map is OS No 615 containing 5.692 acres. Mr Charles said (in effect):- He and his sister, after they in 1937 became the owners, farmed the 23 acres with their farm (known as The Stocks and situated about 1½ miles away). The 23 acres (five fields) had always been pasture land and he had called them Round Moor, although there is one field (the Unit Land) called particularly the Round Moor. When he and his sister first became owners he had known that there were about five houses in Bishop's Frome having (or claiming) a right to turn cattle out, but all these houses have since been pulled down; except possibly for about two years after he and his sister became owners, no cattle (apart from their own cattle) had grazed on the Round Moor.



Mr Fowler said (in effect):- The Unit Land is reputed to be common land, but the Parish Council have no documents about ownership. He understood that one or two people had grazed cattle on it, particularly the former owner of the Green Dragon Public House and a Mr Merrick.

Mr Charles said that Mr Merrick used to live in a house now pulled down and now lives further down the road; he had never grazed cattle on the Unit Land; nor had any owner of the Green Dragon for at least 20 years or more.

I noticed that in the 1863 conveyance part of the land thereby conveyed was expressed to be "subject to certain commonable rights which exist over the same from Old Midsummer Day to old Michaelmas Day each year". However I am not on this reference concerned with the status of the Unit Land (its registration as common land in the Land Section being undisputed has become final) or as to there ever having been rights of common over it (there are no Entries in the Rights Section so none such rights are now exercisable). On the documents produced by Mr Charles and upon his oral evidence summarised above I am satisfied that he and Miss Charles are the owners of the Unit Land, and I shall accordingly direct the Hereford and Worcester County Council, as registration authority, to register Mr Ralph Charles and Miss Gwendoline Mary Charles of The Stocks, Avenbury near Bromyard as the owners of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 29th day of July — 1977

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Commons Commissioner